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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,199

11/04/2003

Dennis A. Durbin

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SHOOK, HARDY & BACON, L.L.P.

(C/O INTERMEC)

INTELLECTUAL PROPERTY DEPARTMENT

2555 GRAND BLVD.

KANSAS CITY, MO 64108

EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

06/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/701,199

Applicant(s)

DURBIN, DENNIS A.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/9/06 (Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 11-24 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on November 09, 2006. Currently,  
5 claims 1-34 remain in the examination.

### *Specification*

2. CROSS REFERENCE TO RELATED APPLCIATIONS is objected on following  
ground. According to USPTO records, the instant application is a continuation of 09/961,697,  
10 now U.S. Patent 6,641,046, which is a continuation application of 09/170,689, now U.S. Patent  
6,330,975. Thereafter, the records appear to be the same. If this is correct, please amend the  
CROSS REFERENCE TO RELATED APPLCIATIONS section.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed  
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for  
patent by another filed in the United States before the invention by the applicant for patent, except that an  
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this  
subsection of an application filed in the United States only if the international application designated the United  
States and was published under Article 21(2) of such treaty in the English language.

- 25 4. Claims 1-7, 9, 10, 25-31, 33, and 34 are rejected under 35 U.S.C. 102(e) as being  
anticipated by Dvorkis et al. (US 5,235,167, hereinafter "Dvorkis").

Re claims 1, 25, and 34, Dvorkis discloses an apparatus for reading two dimensional optical information such as two-dimensional barcode (see abstract; col. 5, lines 24+) comprising a housing (see figure 1) having a light-transmissive portal – a light source 146; a photosensitive array 158; an optical system 157 and 147, 159; a memory system, described as a data storage  
5 (col. 16, lines 27-37); and a display system 149 (col. 5, lines 42-45).

Re claim 2, Dvorkis further discloses a photodetector and a controller for the component parts (col. 16, lines 6-14).

Re claims 3 and 28, Dvorkis further discloses a feedback signal (col. 2, lines 67 – col. 3, line 12) to assist the users in reading the two-dimensional barcode.

10 Re claims 4 and 27, the reader recognizes a start and stop pattern (col. 1, line 62 – col. 2, line 13). It is the Examiner's position that pattern recognition and user guidance of aiming symbol is not clearly linked as they are in claim 11.

Re claim 5, as shown in figure 1, housing is for a portable and hand-held scanner (col. 1, lines 45+).

15 Re claims 6, 29, and 31, the reader is capable of decoding one-dimensional and two-dimensional code (see block 202 of figure 7; col. 12, lines 27+).

Re claims 7 and 30, Dvorkis further discloses generating a raster scan beam (col. 13, lines 13+).

Re claims 9 and 33, the optical system is used to focus captured image (col. 5, lines 46+).

20 Re claim 10, the reader is comprised of a system for decoding the captured code (col. 5, lines 10-23).

Re claim 26, the scanner is further comprised of a battery as a power source (col. 5, lines 24+).

***Claim Rejections - 35 USC § 103***

5 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dvorkis et al. (US 5,235,167, hereinafter “Dvorkis”) in view of Krichever et al. (US 5,396,054, hereinafter “Krichever”).

The teachings of Dvorkis have been discussed above.

Dvorkis fails to specifically teach or fairly suggest that the two dimensional optical reading apparatus is further comprised of a zoom system.

20 Krichever teaches two-dimensional barcode reader (col. 2, lines 41-67) further comprising a zoom system (col. 4, line 67- col. 5, line 3).

In view of Krichever’s disclosure, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known zoom system to the teachings of Dvorkis in order to magnify the image if desired. Zooming system in optical apparatus such as camera and scanner is generally known in the art.

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***Allowable Subject Matter***

7. Claims 11-24 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a method for reading two-dimensional optical code. The method uses displaying an image of captured two-dimensional optical information on the display system and  
5 aiming the reader at a specific two-dimensional optical information indicia to be read at least partially with the aid of information displayed on the display system. Such method is neither disclosed nor suggested by the cited references.

10 **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

20 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

25 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

30 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system,

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see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ahshik Kim  
Primary Examiner  
Art Unit 2876  
May 23, 2007

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